

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**UZOAMAKA O. AKPELE,**

**Plaintiff,**

**v.**

**PACIFIC LIFE INSURANCE COMPANY,  
OPPENHEIMER & COMPANY, INC.,  
JEREMY G. TINTLE, FREDERICK S.  
BROWN, ANN HERRERA (in her capacity as  
Temporary Administrator of the ESTATE OF  
IGNATIUS ESEKHAIGBE AKPELE),**

**Defendants.**

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\***CIVIL ACTION FILE**  
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\* **1:12-CV-02170-WSD**  
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**PLAINTIFF'S RESPONSE IN OPPOSITION OF DEFENDANTS  
OPPENHEIMER & CO., INC. AND FREDERICK S. BROWN'S MOTION  
TO CONFIRM ARBITRATION AWARD, TO DISMISS CLAIMS  
AGAINST THEM AND IN SUPPORT OF PLAINTIFF'S MOTION FOR  
VACATUR OF AWARD AND FOR NEW HEARING**

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**COMES NOW PLAINTIFF UZOAMAKA AKPELE (" Plaintiff"), by and through her undersigned counsel of record Bobby C. Aniekwu and, pursuant to Rule 7.1B of the Local Rules of the Northern District of Georgia, and files her RESPONSE IN OPPOSITION OF DEFENDANTS OPPENHEIMER & CO., INC. AND FREDERICK S. BROWN'S MOTION TO CONFIRM ARBITRATION AWARD, TO DISMISS CLAIMS AGAINST THEM AND, IN SUPPORT OF PLAINTIFF'S MOTION FOR VACATUR OF AWARD AND**

**FOR NEW HEARING [Doc. 70]**, showing the Honorable Court that (1) the Arbitrators were guilty of misconduct in refusing to hear evidence pertinent and material to the controversy, or of any other misbehavior by which the rights of Uzoamaka Akpele was prejudiced; and (2) the Arbitrators's Award decision was contrary to evidence, arbitrary and capricious and the Arbitrators exceeded their powers, or so imperfectly executed them that a mutual, final and definite award upon the subject matter was not made, all in violation of the Federal Arbitration Act, **9 U.S.C. §§10(a)(3) & (4)**, and therefore, the Award should be VACATED in its Entirety and a new hearing before a different Arbitration Panel should be Ordered by this Court in the interest of equity, fair play, substantial justice.

In support of her response, Plaintiff relies on all matters of record and the attached exhibits, deposition, deposition excerpts, Declaration, documents, and the brief of law filed contemporaneously with this response and counter-Motion.

Respectfully submitted, this 8<sup>th</sup> day of December, 2014.

Attorney for Plaintiff

/s/Bobby C. Aniekwu  
**Bobby C. Aniekwu, Esq.**  
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404-885-1717

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**RULE 5.1B CERTIFICATE OF TYPE, FORMAT AND FONT SIZE**

Pursuant to Local Rule 5.1B of the Northern District of Georgia, the undersigned certifies that the foregoing submission, was computer-processed, prepared in double spaces between lines using Times New Roman of 14 point size.

Submitted, this 8<sup>th</sup> day of December, 2014.

/s/ Bobby C. Aniekwu  
Bobby C. Aniekwu, Esq.

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**CERTIFICATE OF SERVICE**

This is to certify that I have on this date served a true and correct copy of the foregoing Plaintiff's Response upon Defendants' counsel, by reason of filing with this Court using the CM/ECF electronic filing system, which will automatically serve a copy of same to Defendants' counsel as follows:

**H. Sanders Carter & Dorothy Cornwell (Counsel for Pacific Life)**  
**Ann Herrera (Temporary Administrator of Estate of Ignatius Akpele)**  
**James A. Nofi, Esq. (Counsel for Oppenheimer & Frederick Brown)**  
**Brent Wilson (Guardian Ad Litem)**

Submitted, this 8<sup>th</sup> day of December, 2014.

/s/ Bobby C. Aniekwu  
Bobby C. Aniekwu, Esq.